

December 3, 2009

Meeting began at 7:07 p.m.

Present: Bill Muse, Mayor; Randy Ripplinger, Dennis Bertucci, Wendell Roundy, Gladys LeFevre, Council Members; Judi Davis, Clerk.

Public Present: Peg Smith and Sergio Femenias, Don Montoya, Sue Inman, Jeff Sanders, Caroline Gaudy, Steve and Cheryl Cox, Matt Cochran and Constance Lynn, Gordon Bosworth (Boz) and Bobbie Cleave.

Pledge of allegiance

Because of a request for major changes in the minutes of the November 5 meeting, they will be approved at the next meeting. Gladys made a motion we accept the minutes of the November 10 meeting. Dennis seconded the motion. The vote was unanimous.

We will combine with the school for a Christmas program on December 16. Gladys will not be able to be there but will buy the gifts, make arrangements for a Santa Claus, and will have someone there to supervise our part of the program.

Because of Sue Inman's election to the Council, there will be a vacancy on the Board of Adjustment. The clerk will announce the vacancy and ask that anyone interested in serving submit his/her name by December 31. (Loch Wade came.)

The Planning Commission has asked us to try to resolve issues that seem problematic in the sign ordinance. There have been complaints of non-compliance. The Mayor asked what signs are at issue. Various people reported signs that they believe are non-compliant: the lighted sign at Hills and Hollows (Donna has the big light set to turn off at 10:00 p.m.); Boulder Mesa and Boulder Exchange neon "open" signs; Gibbs Smith's fence signs (they have been taken down); Red Wing Ranch sign is down again (was it down long enough that putting it back up is also non-compliant?); Billie's sign in Vivian's pasture; Kendall Payne's sign.

Bill would like the Planning Commission to include questions on the General Plan survey about certain types and sizes of signs. He would like the ordinance changed to allow for open/closed signs. He would like to see us leave the above-mentioned signs alone until a survey is done and see what people want. Dennis feels it is important for businesses to let people know they are open, so he feels a small sign, not flashing, would be okay. But when it expands to multiple signs also in violation, it is a problem. Don agrees, but wonders about the intent of the ordinance. Was it to have a small modest sign? What was the reasoning behind not having lighted signs at night? Christmas lights year around

circumvent the ordinance. Bill suggested that, when the ordinance keeps coming back at us, it may need to be changed. Loch guesses people didn't want a mini-Las Vegas Strip, so we had a restriction against neon signs. People are breaking the law, but he wonders if times have changed. Why can't we amend the ordinance? We could ask non-compliant people to take them down. Then, in a revision of the ordinance maybe a 20 sq. ft. sign or a small lighted sign could be made legal, then the signs could be put back up.

Caroline believes there may be a problem greater than the ordinance itself and thinks there may be an underlying issue. She questioned how long we let an issue go before we respond, how long do we let something go before enforcing the ordinance after it is brought to our attention, how do we keep from appearing to show favorites? Bill agrees with Loch's suggestion, but doesn't think we should make them take the signs down during the process of review and change. Caroline responded that maybe most people think an open/closed sign is reasonable, but it also becomes an aesthetic matter. One person might think something is trashy that someone else thinks is a good business practice.

Wendell has no objection to signs, but asked what will happen if we let people keep sneaking things in, then change the ordinance to make it legal, and they keep inching things up. Will we set a precedent by changing the ordinance every time someone violates it? Peg is concerned about grandfathered status and misunderstandings over it. Maybe we should pick a date and say that, as of this date, everything new has to comply. Don stated that the Town Council has the responsibility to enforce the ordinances as they are and that everyone should comply to start with. Bill responded that, if we enforce every ordinance to the "T" we will have to kick people out of their homes. He would like to see the temporary camping ordinance increased to six months. If certain signs aren't hurting anyone, let's be compassionate until we decide what to do with the ordinance.

Dennis thinks we need to let businesses know that we are aware of infractions but will let them stay until decisions are made, then they may, depending on the changes made, have to come into compliance. Having been given notice, they can't have cause to say, "You let me leave it, so now I'm grandfathered in." People might take advantage of that.

In the past Bill received complaints of violations of the building permit requirements where people had built sheds, barns, etc., without building permits. The people were required to get a permit after the fact, but were then in compliance. He feels personally that there are no offensive signs in town that couldn't be resolved by changing the ordinance. We should help people come into compliance. Bobbie wondered if we could level the playing field by letting businesses that don't have open/closed signs know that they can put one up until we decide what to do. Loch thinks it sounds like what we're proposing is that we ignore the sign ordinance until we figure it out. If we say we're

turning our backs on it, is that what we're doing?

Don thinks it's a good sign ordinance. Bill agrees, but we could consider making some changes. Dennis repeated Bill's earlier statement that ordinances are living organisms, so maybe all we need are a few small tweaks. The Planning Commission will work on it in January. Cheryl stated that, if there is a penalty for not applying for a sign, there should be no problem. We shouldn't give a business license without letting people know of the sign requirements.

Randy feels that, since there are no pending requests for a change in the ordinance, we have to enforce it. We are liable for not enforcing our ordinances and should enforce the letter of the law. Most people don't violate them on purpose. We should ask those who are involved to take down their non-compliant signs. If we want to change the ordinance, then change it, but to have credibility, we need to make people be compliant. Anyone can submit an application to change the ordinance.

Dennis feels that, if we ask the businesses to take the signs down, we need to let them know that we're in the process of reviewing the ordinances for possible changes. Bill disagrees and thinks that we should review the ordinances before sending letters asking businesses to take the signs down. Steve stated that, since there is a process, we should make them follow it. Loch agrees. Cheryl feels that action would teach people the process. Jeff said that, since this is the slow time of year, three months with signs down won't hurt anyone. Dennis understands the compassionate approach, but the people are still non-compliant.

Peg suggested that we put up a notice that the Planning Commission will hold a public hearing to gather opinions and make necessary changes to the sign ordinance and, by the middle of March all signs must be in compliance with the ordinance in effect at that time. Loch suggested we send a letter to the non-compliant businesses asking them to remove the signs. Then we've done all we can do. We would leave it to them to comply. Then we would work on reviewing the ordinance.

Gladys made a motion the clerk send letters to Boulder Mesa (re: neon sign), Boulder Exchange (re: neon sign) and Boulder Creek Canyon Ranch (re: oversized sign) notifying them that their signs are non-compliant and need to be removed, but also letting them know that the Planning Commission will be holding a public hearing to review the sign section of the Zoning Ordinance in view of making whatever changes the people think need to be made and inviting them to participate in the public hearing if they want to have input. Dennis seconded the motion. Voting in favor were Gladys, Wendell, Dennis, and Randy. Bill abstained from voting.

We have received three street vacation petitions: Doug and Camille Hall, Dick and

Connie Reid, and Jeff and Ana Sanders. We will schedule a public hearing for January 25 at 6:00. It will be immediately followed by a meeting to consider the requests.

Matt Cochran reported on the rotenone issue. A lot of people have been working on it. The Division of Wildlife Resources is moving forward and putting up signs about the project. The group are trying to put pressure to get the project stopped and are writing a letter which town and area people can sign. They would like to work in tandem with the town's resolution. We will ask Mark if we can legally adopt a resolution telling the DWR what to do on the forest. They will send their letter to many people and entities.

Our supply of tamiflu is here and available for the people we ordered it for (five council members, four fire department personnel, post office contractor, two Boulder Farmstead people.) The clerk is storing them, along with release papers to be signed by the user. It can be used only for swine flu.

The only department report was from Gladys. Southern Utah University has an architecture class who will do work for towns without charge. We have to have all the details ready for our CIB application on February 1, and they may not be able to do it that quickly. She will get more details.

The mayor has received a complaint from Doug Hall about the Van Quill's outhouse. Several years ago the Health Department wrote two letters, one to the Bremses and one to the Van Quills, telling them to get rid of the outhouse and informing them of the requirement that a dwelling have water and a septic system before anyone resides in it. It was reported that the outhouse has been used recently. We will pass this information on to Mark and have him write the Southwest Utah District Health Department, with copies to the Van Quills, telling them of the situation.

The mayor will vote our Irrigation Company shares.

Our monthly meetings next year will begin at 7:00 November through March and at 8:00 from April through October.

Peg announced the Library Cookie Party Saturday from 5:00 to 7:00.

Randy made a motion the meeting adjourn. Dennis seconded the motion. The vote was unanimous.

The meeting adjourned at 9:10 p.m.

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Minutes prepared by Judith Davis, Town Clerk